

Working Copy  
acceptance date  
3/3/03

MINIMUM FILING FEE: \$100.00  
FILE ORIGINAL & ONE COPY  
TYPE OR PRINT IN BLACK INK  
(For explanation of entries required, see  
brochure "How to file an Application to  
Appropriate Water in California")

State of California  
State Water Resources Control Board  
DIVISION OF WATER RIGHTS  
P.O. Box 2000, Sacramento, CA 95812-2000  
Info: (916) 341-5300, FAX: (916) 341-5400, Web: <http://www.waterrights.ca.gov>

## APPLICATION TO APPROPRIATE WATER

LOVERS LANE Vineyard, Ukiah, Ca.  
APPLICATION No. \_\_\_\_\_  
(Leave Blank)

031519

### 1. APPLICANT

ROBERT MONDAVI PROPERTIES, INC.

(Name of applicant)

(707) 743-1454

(Telephone - between 8 a.m. and 5 p.m.)

c/o JANET GOLDSMITH

KRONICK, MOSKOVITZ, TIEDEMANN & GIRARD  
400 CAPITOL MALL, 27TH FLOOR SACRAMENTO CA.

(Mailing address)

(City or town)

(State)

95814-4416

(Zip code)

### 2. SOURCE

a. The name of the source at the point of diversion is

UNNAMED ROSSIGNOL CREEK

(If unnamed, state that it is an unnamed stream, spring, etc.)

tributary to ~~ITA~~ Russian River

b. In a normal year does the stream dry up at any point downstream from your project? YES ☒ NO ☐

If yes, during what months is it usually dry? From 6-1- to 12-15

What alternate sources are available to your project should a portion of your requested direct diversion season be excluded because of a dry stream or nonavailability of water? NO OTHER ALTERNATIVE AT THIS TIME.

### 3. POINTS OF DIVERSION AND REDIVERSION

a. The point(s) of diversion will be in the County of MENDOCINO  
and within Assessor's Parcel Number (APN #) 170-01-05

b.

POD.	List all points giving coordinate distances from section corner or other tie as allowed by SWRCB regulations i.e. California Coordinate System	Point is within (40-acre subdivision)	Section	Township	Range	Base and Meridian
	POINT OF DIVERSION TO OFF STREAM STORAGE	NE 1/4 of SW 1/4	7	15 N	12 W	MD
	+ RESERVOIR N. 551,600 E. 1,652,200	1/4 of 1/4				
RES.	PLACE OF STORAGE FOR WATER DIVERTED	SE 1/4 of NW 1/4	7	15 N	12 W	MD

c. Does applicant own the land at the point of diversion? YES ☒ NO ☐

d. If applicant does not own the land at point of diversion, state name and address of owner and what steps have been taken to obtain right of access: \_\_\_\_\_

"The energy challenge facing California is real. Every California needs to take immediate action to reduce energy consumption. For a list of simple ways you can reduce demand and cut your energy costs, see our Web-site at <http://www.swrcb.ca.gov>. Additional copies of this form and water right information can be obtained at [www.waterrights.ca.gov](http://www.waterrights.ca.gov)."

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\$160.00  
\$550.00  
DE

#### 4. PURPOSE of USE, AMOUNT and SEASON

- a. In the table below, state the purpose(s) for which water is to be appropriated, the quantities of water for each purpose, and the dates between which diversions will be made. Use gallons per day if rate is less than 0.025 cubic foot per second (approximately 16,000 gallons per day).

PURPOSE OF USE (Irrigation, Domestic, etc.)	DIRECT DIVERSION				STORAGE		
	QUANTITY		SEASON OF DIVERSION		AMOUNT	COLLECTION SEASON	
	RATE (Cubic feet per second or gallons per day)	AMOUNT (Acre-feet per year)	Beginning Date (Mo. & Day)	Ending Date (Mo. & Day)	Acre-feet per annum	Beginning Date (Mo. & Day)	Ending Date (Mo. & Day)
IRRIGATION					70	11-1	6-30
FLOOD CONTROL Protection							
HEAT CONTROL							
INCIDENTAL RECREATION							
FIRE PROTECTION							

- b. Total combined amount taken by direct diversion and storage during any one year will be 70 acre-feet.

#### 5. JUSTIFICATION of AMOUNT

- a. IRRIGATION: Maximum area to be irrigated in any one year is 127 acres.

CROP	ACRES	METHOD OF IRRIGATION (Sprinklers, flooding, etc.)	ACRE-FEET PER YEAR	NORMAL SEASON	
				Beginning Date	Ending Date
VINEYARD	127	DRIP	70	4-15	11-15

- b. DOMESTIC: Number of residences to be served is \_\_\_\_\_. Separately owned? YES ☐ NO ☐  
 N/A Total number of people to be served is \_\_\_\_\_. Estimated daily use per person is \_\_\_\_\_ (Gallons per day)  
 Total area of domestic lawns and gardens is \_\_\_\_\_ square feet.  
 Incidental domestic uses are \_\_\_\_\_  
 (Dust control area, number and kind of domestic animals, etc.)

- c. STOCKWATERING: Kind of stock \_\_\_\_\_ Maximum number \_\_\_\_\_  
 Describe type of operation: \_\_\_\_\_  
 N/A (Feed lot, dairy, range, etc.)

- d. RECREATIONAL: Type of recreation: Fishing ☒ Swimming ☒ Boating ☐ Other ☐

- e. MUNICIPAL: (Estimated projected use) <sup>N/A</sup>

POPULATION		MAXIMUM MONTH		ANNUAL USE		
5-Year periods until use is completed		Average daily use (gal. per capita)	Rate of diversion (cfs)	Average daily use (gal. per capita)	Acre-foot (per capita)	Total acre feet
PERIOD	POP.					
Present						

Month of maximum use during year is \_\_\_\_\_. Month of minimum use during year is \_\_\_\_\_.

f. HEAT CONTROL: The total area to be heat protected is 30 net acres.  
Type of crop protected is VINEYARD  
Rate at which water is applied to use is 55 gpm per acre.  
The heat protection season will begin about 7-1 and end about 10-1.  
(Date) (Date)

g. FROST PROTECTION: The total area to be frost protected is 30 net acres.  
Type of crop protected is VINEYARD  
Rate at which water is applied to use is 55 gpm per acre.  
The frost protection season will begin about 3-1 and end about 5-15.  
(Date) (Date)

h. INDUSTRIAL: Type of industry is \_\_\_\_\_  
Basis for determination of amount of water needed is \_\_\_\_\_

i. MINING: The name of the claim is \_\_\_\_\_ Patented ☐ Unpatented ☐  
The nature of the mine is \_\_\_\_\_. Mineral to be mined is \_\_\_\_\_  
Type of milling or processing is \_\_\_\_\_  
After use, the water will be discharged into \_\_\_\_\_  
(Name of stream)

in \_\_\_\_\_  $\frac{1}{4}$  of \_\_\_\_\_  $\frac{1}{4}$  of Section \_\_\_\_\_, T \_\_\_\_\_, R \_\_\_\_\_, \_\_\_\_\_ B. & M.  
(40-acre subdivision)

j. POWER: The total fall to be utilized is \_\_\_\_\_ feet. The maximum amount of water to be used through the penstock  
is \_\_\_\_\_ cubic feet per second. The maximum theoretical horsepower capable of being generated  
by the works is \_\_\_\_\_. Electrical capacity is \_\_\_\_\_ kilowatts at \_\_\_\_\_ % efficiency.  
(Cubic feet per second  $\times$  fall  $\div$  8.8) (Hp  $\times$  0.746  $\div$  efficiency)

After use, the water will be discharged into \_\_\_\_\_  
(Name of stream)  
in \_\_\_\_\_  $\frac{1}{4}$  of \_\_\_\_\_  $\frac{1}{4}$  of Section \_\_\_\_\_, T \_\_\_\_\_, R \_\_\_\_\_, \_\_\_\_\_ B. & M. FERC No. \_\_\_\_\_  
(40-acre subdivision)

k. FISH AND WILDLIFE PRESERVATION AND/OR ENHANCEMENT: YES ☐ NO ☐ If yes, list  
specific and habitat type that will be preserved or enhanced in item 10 of Environmental Information  
form APP-ENV.

l. OTHER: Describe use: FIRE PROTECTION. Basis for determination of amount of water needed  
is will be incidental to other use.

6. PLACE OF USE SEE ATTACHED PAGE

a. Does applicant own the land where the water will be used? YES ☒ NO ☐ Is land in joint YES ☐ NO ☒  
ownership?  
(All joint owners should include their names as applicants and sign the application.)  
If applicant does not own land where the water will be used, give name and address of owner, and state what  
arrangements have been made with the owner. \_\_\_\_\_

b. USE IS WITHIN (40-ACRE SUBDIVISION)	SECTION	TOWNSHIP	RANGE	BASE & MERIDIAN	IF IRRIGATED	
					Number of acres	Presently cultivated (Y/N)
$\frac{1}{4}$ of $\frac{1}{4}$						
$\frac{1}{4}$ of $\frac{1}{4}$						
$\frac{1}{4}$ of $\frac{1}{4}$						
$\frac{1}{4}$ of $\frac{1}{4}$						
$\frac{1}{4}$ of $\frac{1}{4}$						

(If area is unsurveyed, state the location as if lines of the public land survey were projected, or contact the Division of Water Rights. If space  
does not permit listing all 40-acre tracts, include on another sheet or state sections, townships and ranges, and show detail on map.)

<u>Place Of Use</u>						
USE IS WITHIN	SECTION	TOWNSHIP	RANGE	BASE & MERIDIAN	IF IRRIGATED	
					# of Acres	Presently Cultivated
SE 1/4 of NE 1/4	7	15N	12W	MD	20	yes
SW 1/4 of NE 1/4	7	15N	12W	MD	29	yes
SE 1/4 of NW 1/4	7	15N	12W	MD	27	yes
SW 1/4 of NW 1/4	7	15N	12W	MD	1	yes
NE 1/4 of SW 1/4	7	15N	12W	MD	13	yes
NW 1/4 of SE 1/4	7	15N	12W	MD	19	12 ac no
NE 1/4 of SE 1/4	7	15N	12W	MD	9	yes
SW 1/4 of NW 1/4	8	15N	12W	MD	3	yes
NW 1/4 of SW 1/4	8	15N	12W	MD	6	yes

127 total

## 7. DIVERSION WORKS

- a. Diversion will be by gravity by means of UNDERGROUND PIPE  
(Dam, pipe in unobstructed channel, pipe through dam, siphon, weir, gate, etc.)
- b. Diversion will be by pumping from \_\_\_\_\_ Pump discharge rate \_\_\_\_\_ Horsepower \_\_\_\_\_  
(Depth of the well \_\_\_\_\_) (Sump, offset well, channel, reservoir, etc.) (cfs or gpd)
- c. Conduit from diversion point to first lateral or to offstream storage reservoir:

CONDUIT (Pipe or channel)	MATERIAL (Type of pipe or channel lining) (Indicate if pipe is buried or not)	CROSS SECTIONAL DIMENSION (Pipe diameter or ditch depth and top and bottom width)	LENGTH (Feet)	TOTAL LIFT OR FALL		CAPACITY (Estimate)
				Feet	+ or -	
PIPE	HDPE	24"	1000'	-20 ft		6 cfs

- d. Storage reservoirs: (For underground storage, complete Supplement 1 to APP, available upon request.)

Name or number of reservoir, if any	DAM				RESERVOIR		
	Vertical height from downstream toe of slope to spillway level (ft.)	Construction material	Dam length (ft.)	Freeboard Dam height above spillway crest (ft.)	Approximate surface area when full (acres)	Approximate capacity (acre-feet)	Maximum water depth (ft.)
	11 ft	SOIL	1000'	3'	3 ac	49 ac/ft	19 ft

- e. Outlet pipe: (For storage reservoirs having a capacity of 10 acre-feet or more.)

Diameter of outlet pipe (inches)	Length of Outlet pipe (feet)	FALL (Vertical distance between entrance and exit of outlet pipe in feet)	HEAD (Vertical distance from spillway to outlet pipe in reservoir in feet)	Estimated storage below outlet pipe entrance (dead storage)
RESERVOIR	IS AN OFF-STREAM PIT TYPE RESERVOIR.			
DEWATERING	WILL BE ACCOMPLISHED BY PUMPING.			

- f. If water will be stored and the reservoir is not at the point of diversion, the maximum rate of diversion to offstream storage will be 6 cfs. Diversion to offstream storage will be made by: ☐ Pumping ☒ Gravity

## 8. COMPLETION SCHEDULE

- a. Year work will start \_\_\_\_\_ b. Year work will be completed 1997
- c. Year water will be used to the full extent intended \_\_\_\_\_ d. If completed, year of first use 1997

## 9. GENERAL

- a. Name of the post office most used by those living near the proposed point of diversion is UKIAH

Does any part of the place of use comprise a subdivision on file with the Department of Real Estate? YES ☐ NO ☒

If yes, state name of the subdivision \_\_\_\_\_

If no, is subdivision of these lands contemplated? YES ☐ NO ☐

Is it planned to individually meter each service connection? YES ☐ NO ☐ If yes, when? \_\_\_\_\_

- b. List the names and addresses of diverters of water from the source of supply downstream from the proposed point of diversion: NONE

- c. Is the source used for navigation, including use by pleasure boats, for a significant part of each year at the point of diversion, or does the source substantially contribute to a waterway which is used for navigation, including use by pleasure boats? YES ☐ NO ☒ If yes, explain \_\_\_\_\_

# 10. EXISTING WATER RIGHT

Do you claim an existing right for the use of all or part of the water sought by this application? YES ☒ NO ☐

If yes, complete table below:

Nature of Right (riparian, appropriative, groundwater)	Year of First Use	Purpose of use made in recent years including amount, if known	Season of Use	Source	Location of Point of Diversion
RIparian	1960	IRRIGATION	SPRING - SUMMER	WATERSHED	3D PDD

# 11. AUTHORIZED AGENT (Optional)

With respect to ☒ all matters concerning this water right application ☐ those matters designated as follows:

JANET GOLDSMITH

(Name of agent)

(916) 321-4355

(Telephone number of agent between 8 a.m. and 5 p.m.)

(Mailing address)

(City or town)

(State)

(Zip code)

is authorized to act on my behalf as my agent.

# 12. SIGNATURE OF APPLICANT

I (we) declare under penalty of perjury that the above is true and correct to the best of my (our) knowledge and belief.

Dated FEBRUARY 14 2003, at UKIAH, California

Ms. Mr.  
Miss. Mrs.

Mark W. Wells

(Signature of applicant)

(If there is more than one owner of the project,  
please indicate their relationship.)

Ms. Mr.  
Miss. Mrs.

Fandy

Director Winegrowing Relations RMW

(Signature of applicant)

Additional information needed for preparation of this application may be found in the Instruction Booklet entitled "HOW TO FILE AN APPLICATION TO APPROPRIATE WATER IN CALIFORNIA". If there is insufficient space for answers in this form, attach extra sheets. Please cross-reference all remarks to the numbered item of the application to which they may refer. Send original application and one copy to the STATE WATER RESOURCES CONTROL BOARD, DIVISION OF WATER RIGHTS, P.O. Box 2000, Sacramento, CA 95812-2000, with \$100 minimum filing fee.

## NOTE:

If this application is approved for a permit, a minimum permit fee of \$100 will be required before the permit is issued.

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California Water Rights Online GIS

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State of California  
State Water Resources Control Board  
**DIVISION OF WATER RIGHTS**  
P.O. Box 2000, Sacramento, CA 95812-2000  
Info: (916) 341-5300, FAX: (916) 341-5400, Web: <http://www.waterrights.ca.gov>

**APPLICATION TO APPROPRIATE WATER BY PERMIT  
ENVIRONMENTAL INFORMATION**

(THIS IS NOT A CEQA DOCUMENT)

APPLICATION NO.

31519

The following information will aid in the environmental review of your application as required by the California Environmental Quality Act (CEQA). IN ORDER FOR YOUR APPLICATION TO BE ACCEPTED AS COMPLETED, ANSWERS TO THE QUESTIONS LISTED BELOW MUST BE COMPLETED TO THE BEST OF YOUR ABILITY. Failure to answer all questions may result in your application being returned to you, causing delays in processing. If you need more space, attach additional sheets. Additional information may be required from you to amplify further or clarify the information requested in this form.

PROJECT DESCRIPTION

1. Provide a description of your project, including but not limited to, type of construction activity, structures existing or to be built, area to be graded or excavated and project operation, including how the water will be used.

Project involves diverting water flowing onto the vineyard into a agricultural pit pond for storage and later use. Installation of a 24 inch line over 1000 ft. beginning at the ditch and draining into the pit pond at the other end. No grading required. The only excavation required was digging and refilling the ditch upon pipe line installation. Water will be used primarily for irrigation. To a smaller extent it may be used for frost protection or snowmelt cooling.

## GOVERNMENTAL REQUIREMENTS

Before a final decision can be made on your water right application, we must consider the information contained in an environmental document prepared in compliance with the requirements of CEQA. If an environmental document has been prepared, a determination must be made as to who is responsible for the preparation of the environmental document for your project. The following questions are designed to aid us in that determination.

2. Contact your county planning or public works department for the following information:

- a. Person contacted Information on file Date of contact \_\_\_\_\_  
Department \_\_\_\_\_ Telephone ( ) \_\_\_\_\_
- b. Assessor's Parcel No. 170-010-05, 170-020-07
- c. County Zoning Designation AG 40
- d. Are any county permits required for your project? NO  
If yes, check appropriate space below:  
\_\_\_\_\_ Grading Permit, \_\_\_\_\_ Use Permit, \_\_\_\_\_ Watercourse  
Obstruction Permit, \_\_\_\_\_ Change of Zoning, \_\_\_\_\_ General Plan  
Change, Other (explain):  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
- e. Have you obtained any of the required permits described above? \_\_\_\_\_  
If yes, provide a complete copy of each permit obtained.

3. Are any additional state or federal permits required for your project? NO (i.e., from Federal Energy Regulatory Commission, U.S. Forest Service, Bureau of Land Management, Soil Conservation Service, Department of Water Resources (Division of Safety of Dams), Reclamation Board, Coastal Commission, State Lands Commission, etc.) For each agency from which a permit is required provide the following information:

Permit type \_\_\_\_\_  
Person (s) contacted \_\_\_\_\_ Agency \_\_\_\_\_  
Date of contact \_\_\_\_\_ Telephone ( ) \_\_\_\_\_

4. Has any public agency prepared an environmental document for any aspect of your project?  
NO

If so, please submit a copy of the latest environmental document (s) prepared, including a copy of the notice of determination adopted by the public agency. If not, explain below whether you expect that a public agency other than the State Water Resources Control Board will be preparing

an environmental document for your application or whether the applicant, if it is a California public agency, will be preparing the environmental document for your project:

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Note: When completed, please submit a copy of the final environmental document (including notice of determination) or notice of exemption to the State Water Resources Control Board. Processing of your application cannot proceed until such documents are submitted.

5. Will your project, during construction or operation, generate waste or wastewater containing such things as sewage, industrial chemicals, metals, or agricultural chemicals, or cause erosion, turbidity or sedimentation? NO If so, explain: \_\_\_\_\_
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If yes or you are unsure of your answer, contact your local Regional Water Quality Control Board for the following information (See attachment for address and telephone number):

Will a waste discharge permit be required for your project? NO

Person contacted \_\_\_\_\_ Date of contact \_\_\_\_\_

What method of treatment and disposal will be used? \_\_\_\_\_

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6. Have any archeological reports been prepared on this project, or will you be preparing an archeological report to satisfy another public agency? NO

Do you know of any archeological or historic sites located within the general project area?

\_\_\_\_\_ If so, explain: \_\_\_\_\_

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## ENVIRONMENTAL SETTING

7. Attach **THREE COMPLETE SETS** of color photographs, clearly dated and labeled, showing the vegetation currently existing at the following locations:
- Along the stream channel immediately downstream from the proposed point(s) of diversion
  - Along the stream channel immediately upstream from the proposed point(s) of diversion
  - At the place(s) where the water is to be used

**Note:** It is very important that you submit no less than three complete sets of photographs as required above. If less than three sets are submitted, processing of your application will be delayed until you furnish the remaining sets!

8. From the list given below, mark or circle the general plant community types which best describe those which occur within your project area (Note: See footnote denoted by \* under Question 11 below):

### Tree Dominated Communities

Subalpine Conifer  
Red Fir  
Lodgepole Pine  
Mixed Conifer  
    Sierran Mixed Conifer  
    White Fir  
    Klamath Mixed Conifer  
Douglas-Fir  
Jeffrey Pine  
Ponderosa Pine  
Eastside Pine  
Redwood  
Pinyon-Juniper  
Juniper  
Aspen  
Closed-Cone Pine-Cypress  
Montane Hardwood-Conifer  
Montane Hardwood  
Valley Foothill Hardwood  
    Blue Oak Woodland  
    Valley Oak Woodland  
    Coastal Oak Woodland  
Valley Foothill Hardwood-Conifer  
    Blue Oak-Digger Pine  
Eucalyptus  
Montane Riparian  
Valley Foothill Riparian  
Desert Riparian  
Palm Oasis  
Joshua Tree

### Shrub Dominated Communities

Alpine Dwarf-Shrub  
Low Sage  
Bitterbrush  
Sagebrush  
Montane Chaparral  
Mixed Chaparral  
Chamise-Redshank Chaparral  
Coastal Scrub  
Desert Succulent Shrub  
Desert Wash  
Desert Scrub  
Alkali Desert Scrub

### Herbaceous Dominated Communities

Annual Grassland  
Perennial Grassland  
Wet Meadow  
Fresh Emergent Wetland  
Saline Emergent Wetland  
Pasture

### Aquatic Communities

Riverine  
Lacustrine  
Estuarine  
Marine

### Developed Communities

Cropland  
Orchard-Vineyard  
Urban

Literature source: Mayer, K.E., and W.F. Laudenslayer, Jr., (eds). 1988. A Guide to Wildlife Habitats of California. California Department of Forestry and Fire Protection, Sacramento. 166 pp. (Note: You may view a copy of this document at our public counter at the address given at the top of this form or you may purchase a copy by calling the California Department of Fish and Game, Wildlife Habitat Relationships (WHR) Program at (916) 653-7203).

9. Provide below an estimate of the type, number, and size (trunk/stem diameter at chest height) of trees and large shrubs that are planned to be removed or destroyed due to implementation of the proposed changes. Consider all aspects of your application, including changes in diversion structures, water distribution and use facilities, and changes in the place of use due to additional water development.

There are no trees and shrubs to be removed since none exist.  
The water enters the vineyard by way of a county maintained  
CONVERT THAT DEPOSITS WATER INTO A DITCH WHICH HAS EXISTED  
FOR MANY DECADES. IT THEN TRAVELS THROUGH AN EXISTING  
VINEYARD AND GOES SUBTERRANEAN IN THE MIDDLE OF THE  
VINEYARD.

#### FISH AND WILDLIFE CONCERNS

10. Identify the typical species of fish which occur in the source(s) from which you propose to divert water and discuss whether or not any of these fish species or their habitat has been or would be affected by your proposed changes. (Note: See footnote denoted by \* under Question 11 below):

No fish present

11. Identify the typical species of riparian and terrestrial wildlife in the project area and discuss whether or not any of these species and/or their habitat has been or would be affected by your project through construction of water diversion and distribution works and/or changes in the place of water use. (Note: See footnote denoted by \* below):

*None. Property has been a vineyard since 1955-1960.*

**\*Note:** The purposes of Question 10 and 11 are to provide a preliminary assessment of the presence of typical plant and animal species in the area and whether these species might be affected by your project. Detailed site surveys to quantify populations of specific species or determine the presence of rare or endangered species may be required at a later date. It is very important that you answer these questions accurately. If you are unable to obtain appropriate answers from your local California Department of Fish and Game biologists (See attachment for address and telephone number) or you do not have adequate information or expertise to complete your answers, you should hire a fishery consultant and/or a wildlife consultant to review your project and prepare suitable answers for you. For information on available qualified fishery or wildlife consultants near you, consult your local telephone directory yellow pages under Environmental and Ecological Services, or call the California Environmental Protection Agency, Registered Environmental Assessor (REA) Program, at (916) 324-6881 or the University of California, Cooperative Extension Service (See your local telephone directory white pages).

12. Does your proposed project involve any construction or grading-related activity which has significantly altered or would significantly alter the bed or bank of any stream or lake? NO
- If so, explain: \_\_\_\_\_

#### CERTIFICATION

I hereby certify that the statements I have furnished above and in the attached exhibits are complete to the best of my ability, and that the facts, statements, and information presented are true and correct to the best of my knowledge.

Date 3-2-04

Signature

*Mark W. Welch*  
*Agent For Robert Mondavi Properties*